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9
10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 KAREN MCDONNELL, an individual,
13
14 Plaintiff,

15 vs.

16 CLARK COUNTY; DOES 1-10,
17 and ROE ENTITIES 1-10, inclusive,
18 inclusive,

19 Defendant.

Case No. 2:22-cv-00425-JCM-VCW^F

**STIPULATION TO EXTEND
DISCOVERY DEADLINES
(THIRD REQUEST)**

20 Plaintiff KAREN MCDONNELL ("Plaintiff"), by and through her counsel F. Travis
21 Buchanan, Esq. & Assoc., PLLC, and Defendant CLARK COUNTY ("Defendant"), through their
22 counsel Stephanie A. Mazzei, hereby stipulate and agree to extend the discovery remaining and
23 related deadlines for thirty (30) days.

24 This Stipulation is submitted and based upon the following:

25 **A. Discovery Completed to Date.**

26 To date, the Parties have exchanged initial and supplemental disclosures of documents and
27 witnesses pursuant to FRCP 26(a)(1). Plaintiff has propounded written discovery including
28 interrogatories, requests for production, and requests for admission, and Defendant has served
responses to Plaintiff's written discovery requests. Defendant has propounded written discovery
including interrogatories, requests for production, and requests for admission upon Plaintiff and
Plaintiff has served responses to Defendant's written discovery requests. Plaintiff KAREN
MCDONNELL's Deposition was convened on April 26, 2023, and due to the limited availability

of Witness, Clark County Manager - Kevin Schiller, the parties have agreed to convene and hold his Deposition on May 31, 2023, which is the first date he is available in light of his current, busy schedule (which is after the current discovery cut-off date).¹ The Parties have also agreed to resume settlement discussions in the interim, and it is possible that this matter could settle within the time-period of the instant stipulated extension.

B. Discovery Which Still Needs to Occur.

At this time Plaintiff only intends to depose Clark County Manager – Kevin Schiller, a percipient witness.

C. Proposed Schedule for Completing Remaining Discovery.

Discovery Cut-Off Date – The May 8, 2023, discovery cut-off date shall be extended to June 7, 2023, to allow for the Deposition of Clark County Manager – Kevin Schiller.

Dispositive Motions – The current June 8, 2023, dispositive motions deadline shall be extended to July 10, 2023.²

Pretrial Order – If no dispositive motions are filed, the Joint Pretrial Order shall be filed on August 9, 2023 ~~thirty (30) days after the date set for the filing of the dispositive motions.~~ In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after the decision on the dispositive motions or by further order of the Court.

D. Good Cause Supports this Request.

When a stipulation requires the modification of the scheduling order, the parties must first satisfy the “good cause” standard established by Rule 16(b). *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608 (9th Cir. 1992); *see also* Fed. R. Civ. P. 16(b)(4) (“A schedule may be modified only for good cause and with the judge’s consent”). The good cause inquiry is focused on the movant’s reasons for seeking to modify the scheduling order and primarily considers the

¹ After discussing Mr. Schiller’s schedule, near-term commitments, conflicts and availability for deposition over the past several weeks, On 5/2/23, Plaintiff served Defendant Clark County with Notice of Kevin Schiller’s Deposition on for the soonest (5/31/23), which is the soonest date for which he is available for Deposition.

² The 30th day fell on Saturday July 8, 2023.

1 movant's diligence. *In re W. States Wholesale Nat. Gas Antitrust Litig.*, 715 F.3d 716, 737 (9th Cir.
2 2013). The key determination is whether the subject deadline "cannot reasonably be met despite
3 the diligence of the party seeking the extension." *Johnson*, 975 F.2d at 609. The Court considers
4 whether relief from the scheduling order is sought based on the development of matters that could
5 not have been reasonably anticipated at the time the schedule was established. *Jackson v. Laureate,*
6 *Inc.*, 186 F.R.D. 605, 608 (E.D. Cal. 1999). Courts may also consider other pertinent circumstances,
7 including whether the movant was diligent in seeking modification of the scheduling order once it
8 became apparent that the movant required relief from the deadline at issue. *Sharp v. Covenant Care*
9 *LLC*, 288 F.R.D. 465, 467 (S.D. Cal. 2012). "The diligence obligation is ongoing" such that parties
10 must "diligently attempt to adhere to [the deadlines in the scheduling order] throughout the
11 subsequent course of the litigation."

12 Here, good cause exists to extend the discovery schedule as requested herein. The parties
13 have acted in good faith to comply with the discovery deadlines and resolve any discovery disputes.
14 Further, the parties remain open to engaging in settlement negotiations in an attempt to resolve this
15 matter. The parties remain optimistic that they may be able to resolve this matter. Accordingly, the
16 parties have agreed to extend the discovery deadlines to allow for the Deposition of Clark County
17 Manager – Kevin Schiller, as well as to allow further settlement negotiations before incurring
18 additional expenses.
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1 Dated this **5th** day of May, 2023.

2 F. TRAVIS BUCHANAN, ESQ., & ASSOC., CLARK COUNTY DISTRICT ATTY'S
3 PLLC OFC., CIVIL DIVISION

4 /s/ F. Travis Buchanan

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Clark County

9 **ORDER**

10 IT IS SO ORDERED:

11 
United States ~~District Court~~/Magistrate Judge

12 5-8-2023

13 Dated: _____